

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/005578

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))
☐ publication of the international application (Rule 12.4)
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

☐ the international application as originally filed/furnished

☒ the description:

pages 1-9 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1-10 received by this Authority on 11.03.2005 with letter

nos.* _____ received by this Authority on _____

☒ the drawings:

sheets 1/3-3/3 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims	1-10	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1. Reference is made to the following document:			
D1: NL 9300986 (Wavin)			
2. Document D1 is considered the prior art closest to the subject matter of claim 1 and discloses a transport container system comprising a non-foldable, stackable crate, the base part and four wall parts of which are structured so as to be pressure-resistant, and comprising a top part, which consists of four wall parts for enlarging the volume of the crate, the top part being made of a single piece, being foldable along fold lines in the corners, having a side facing the crate opening which matches the shape of the crate opening formed by the side wall parts of the crate and, for stacking purposes, having a side facing away from the crate opening which matches the shape of a profile formed at least in the corner regions of the base part, said top part being placeable on the upper side of the side wall parts of the crate and being detachably lockable to the side wall parts by fastening means such that the			

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

transport container system is stackable.

- 2.1 The subject matter of claim 1 thus differs from the known transport container system in that the top part is made of wood or cardboard.
- 2.2. The subject matter of claim 1 is therefore novel (PCT Article 33(2)).
3. The present invention can therefore be considered to address the problem of reducing the costs for a top part.
- 3.1. The solution to this problem as proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)). The combination of features contained in claim 1 is not suggested by the available prior art.
- 3.2 Claims 2-9 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.
4. The same reasoning applies to independent claim 10. The subject matter of claim 10 is therefore novel (PCT Article 33(2)) and involves an inventive step (PCT Article 33(3)).